

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
AT GREENBELT**

CHARLOTTE A. EID, *et al.*,

Plaintiffs,

v.

Civil Action No. DKC 10-0196

G. PETER PUSHKAS, M.D., P.C., *et al.*,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court's Scheduling Order in this matter, the parties hereby file this joint status report regarding the following matters.

A. Whether discovery has been completed:

Discovery is almost complete. The parties had scheduled all requested depositions to be completed by the close of discovery, August 23, 2010. Defense expert physician Dr. Feigert, however, had an unanticipated scheduling conflict arise the day before his deposition. The Plaintiffs' counsel then had a scheduling conflict regarding the defense's second expert physician, Dr. Lessin, as well. The parties are cooperating to mutually reschedule these two depositions so that they may be completed as soon as possible. The parties have already rescheduled Dr. Feigert's deposition for August 25, just two days after the discovery deadline, and both parties anticipate that they will complete Dr. Lessin's deposition within approximately two weeks of the close of discovery.

The parties jointly request leave of the Court to complete these two remaining depositions beyond the discovery deadline. Given that the pretrial conference is not until December 6, 2010, and trial is not until January 11, 2011, the minor delay in completing these two depositions will not affect any court date, or impair either party in preparing for trial.

Written and document discovery is complete, with the minor exception that the Plaintiffs have requested an end-of-discovery update to some of the Defendants' responses to the Plaintiffs' written discovery requests (e.g., Answers to Interrogatories). The parties anticipate that the Defendants will provide their updated responses shortly, and that this should not impede the progress of the case. The Plaintiffs have already updated their own written responses to Defendants' written discovery requests.

B. Whether any motions are pending:

There are no motions pending before the Court.

C. Whether any party intends to file a dispositive pretrial motion:

None of the parties intend to file any dispositive pretrial motions.

D. Whether the case is to be tried jury or non-jury and the anticipated length of trial:

The Plaintiffs have demanded a jury trial, and the anticipated length of the trial is four to five days total. The Court conducted a telephone conference with the parties' counsel on July 8, 2010, and determined a trial date of January 11, 2011. The Court subsequently entered and issued a paperless Order that same day, July 8, 2010, setting the trial date for January 11, 2011, setting the pretrial conference for December 6, 2010, and setting the deadlines for various pretrial filings.

E. A certification regarding settlement negotiations:

There have not been any settlement negotiations. During the July 8, 2010 conference call with the Court on this matter, counsel for the Plaintiffs expressed openness to settlement negotiations upon the conclusion of discovery. Counsel for the Defendants stated that the Defendants were not prepared to discuss settlement, and therefore Defendants were not interested in pursuing mediation or settlement negotiations at that time.

The parties' positions regarding mediation or settlement discussions are unchanged. The parties have therefore not conducted any settlement negotiations as of this time.

F. Whether referral to another judge for settlement or other ADR conference would be helpful:

The Plaintiffs believe that referral to private mediation with a retired judge would be the appropriate course of action for this case, provided the Defendants share a genuine interest in attempting to settle this case and have settlement authority that is consistent with the evidence of Defendants' liability and the Plaintiffs' damages. Defendants will not make a final determination of their settlement position until all depositions are completed, but presently anticipate proceeding to trial.

G. U.S. Magistrate Judge:

The parties do not consent to have a U.S. Magistrate Judge conduct any further proceedings in this case.

H. Other matters:

There are no other matters that need to be brought to the Court's attention.

Respectfully submitted,

**KARP, FROSH, LAPIDUS, WIGODSKY
& NORWIND, P.A.**

/s/
Edward L. Norwind, Esq., # 08858
lnorwind@karpfrosh.com
J. Philip Kessel, Esq., #02008
pkessel@karpfrosh.com
Murray D. Scheel, Esq., # 28070
mscheel@karpfrosh.com

2273 Research Blvd., Suite 200
Rockville, Maryland 20850
301-948-3800 – phone
301-948-5449 – fax
Counsel for Plaintiffs

HEFFLER, UHL & TAYLOR

/s/
James M. Heffler, Esq., # 02952
Jim.heffler.hutlaw@verizon.net
G. Branch Taylor, Esq., # 013568
Branch.Taylor.hutlaw@verizon.net
Diane M. Uhl, Esq.
dianeuhl@yahoo.com

8401 Connecticut Avenue, Suite 501
Chevy Chase, Maryland 20815
240-497-1999 – phone
240-497-1886 – fax
Counsel for the Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing *Status Report* was served via electronic filing this 23rd day of August, 2010, on G. Branch Taylor, Esq., James M. Heffler, Esq., Diane M. Uhl, Esq., Heffler, Uhl & Taylor, 8401 Connecticut Avenue, Suite 501, Chevy Chase, Maryland 20815, *Counsel for Defendants*.

/s/ *Murray D. Scheel*
Murray D. Scheel